

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at CHATTANOOGA

TRUSTEES OF THE IRON WORKERS)
DISTRICT COUNSEL OF TENNESSEE)
VALLEY AND VICINITY PENSION FUND;)
TRUSTEES OF THE IRON WORKERS)
DISTRICT COUNSEL OF TENNESSEE)
VALLEY AND VICINITY HEALTH AND)
WELFARE FUND; TRUSTEES OF THE)
IRON WORKERS DISTRICT COUNSEL OF)
TENNESSEE VALLEY AND VICINITY)
APPRENTICESHIP AND TRAINING TRUST)
FUND; TRUSTEES OF THE IRON)
WORKERS DISTRICT COUNSEL)
OF TENNESSEE VALLEY AND)
VICINITY ANNUITY FUND,)

Plaintiffs,)

v.)

NORTHSTAR CONSTRUCTION)
MANAGEMENT, INC., and)
CHARLES T. DENNARD, SR.,)

Defendants.)

No. 1:07-CV-277

Chief Judge Curtis L. Collier

MEMORANDUM & ORDER

Before the Court is the Motion for Entry of Default Judgment by Plaintiffs Trustees of the Iron Workers District Counsel of Tennessee Valley and Vicinity Pension Fund et al. (“Plaintiffs”) against Defendants Northstar Construction Management, Inc., and Charles T. Dennard, Sr. (“Defendants”) (Court File No. 6). Plaintiffs filed their claim on November 15, 2007 (Court File No. 1). Summons were issued to Defendants and executed on November 27, 2007 (Court File Nos. 2, 3). Defendants failed to respond, neither filing an answer nor a responsive motion, as required

pursuant to Eastern District of Tennessee Local Rule 7.1(a)(2). Plaintiffs filed a motion for entry of default, which was granted by the clerk of court (Court File Nos. 4, 5).

Plaintiffs now move the Court to enter a default judgment against Defendants (Court File No. 6). Since Defendants have “failed to plead or otherwise defend” as provided by the Federal Rules of Civil Procedure (“Fed. R. Civ. P.”) and the rules of this Court, the Court **GRANTS** Plaintiffs’ motion for default judgment against Defendants Northstar Construction Management, Inc., and Charles T. Dennard, Sr., pursuant to Fed. R. Civ. P. 55(a).

Because Plaintiffs have not provided a sum certain for recovery sought against Defendants, as contemplated by Fed. R. Civ. P. 56(b)(1), this Court must take necessarily measures to determine the appropriate amount of damages, pursuant to Fed. R. Civ. P. 56(b)(2). Plaintiffs still must carry the burden of proving damages. The Court hereby **REFERS** this matter to United States Magistrate Judge William B. Carter to conduct such evidentiary hearings as he deems appropriate, and to issue a report and recommendation for this Court’s consideration before this Court enters final judgment in this matter. *See* 28 U.S.C. § 636(b)(1)(B); Fed. R. Civ. P. 55(b)(2).

SO ORDERED.

ENTER:

/s/
CURTIS L. COLLIER
CHIEF UNITED STATES DISTRICT JUDGE